

ASHFORD – SCHAEEL LLC
Courtney A. Schael, Esq. (CS-1295)
100 Quimby Street, Suite 1
Westfield, NJ 07090
(908) 232-5566
(908) 728-3113 telecopy
Counsel for Shinn Fu Company of America, Inc.

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:	Case No.: 18-23538 (RDD)
SEARS HOLDING CORPORATION, <i>et al.</i>	Chapter 11
	Debtors.

**JOINDER BY SHINN FU OF AMERICA, INC. TO SUPPLEMENTAL
OBJECTION OF MIEN CO. LTD. *ET AL* TO CONFIRMATION OF THE
MODIFIED SECOND AMENDED JOINT CHAPTER 11 PLAN OF SEARS
HOLDINGS CORPORATION AND ITS AFFILIATED DEBTORS AND TO
TERMINATE EXCLUSIVITY**

TO THE HONORABLE ROBERT D. DRAIN,
UNITED STATES BANKRUPTCY JUDGE:

Shinn Fu of America, Inc. (“Shinn Fu”), by its attorneys, Ashford Schael LLC, submits this joinder to the supplemental objection of Mien Co. Ltd. *et al* to confirmation of the modified second amended joint chapter 11 plan (“Plan”) of Sears Holdings Corporation and its affiliated debtors and to terminate exclusivity (the “Mien Supplemental Objection”) (docket 5266), and represents and says as follows:

1. Shinn Fu is an administrative creditor of this estate. Shinn Fu's administrative claim is secured by Shinn Fu's setoff rights.¹

2. Shinn Fu joins in and supports the Mien Supplemental Objection (docket 5266). Shinn Fu incorporates by reference the Mien Supplemental Objection as though fully set forth herein.

3. The Court should not confirm the Plan because the Plan does not and cannot comply with section 1129(a)(9)(A) of the Bankruptcy Code. Shinn Fu does not consent to receiving payments over time for its administrative claim or payment of less than the full the amount of Shinn Fu's claim. If the estate is administratively insolvent, Shinn Fu does not consent to receiving less than the same *pro rata* share as all other administrative claimants, including, professionals retained in this Case and reserves all rights.

4. Shinn Fu objects to the releases and injunctions in the Plan and does not consent to the releases and injunctions in the Plan.

Dated: October 2, 2019

ASHFORD - SCHAEEL, LLC
Counsel for Shinn Fu Company of America, Inc.

By: /s/ Courtney A. Schael
Courtney A. Schael, Esq. (CS-1295)

¹ The Debtors appear to dispute Shinn Fu's secured status through the procedurally improper Tenth Omnibus Objection to Proofs of Claim ("Tenth Omnibus Objection") (docket 5237) proposing to reclassify Shinn Fu's secured claim to \$-0-. The Debtors refer in the Tenth Omnibus Objection to the Court-Order Claims Hearing Procedures (docket no 5237), however, that Order addresses the scheduling of hearings and does not authorize omnibus objections that do not comply with Bankruptcy Rule 3007(d). Shinn Fu reserves its right to seek sanctions, attorneys' fees and costs with respect to the Tenth Omnibus Objection.